

March 16, 2012

REGULAR MEETING AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
March 16, 2012

- I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

- II. PRESENT

- III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD FEBRUARY 17, 2012

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD FEBRUARY 17, 2012?

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	141.....	11
Agriculture	356.....	16
Arts Council	18.....	2
Capitol Development Board.....	42.....	0
Central Management Services.....	1,618.....	114
Children and Family Services	2,892.....	49
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	394.....	67
Commerce Commission	77.....	0
Corrections.....	11,401.....	105
Criminal Justice Authority	63.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	91.....	6
Employment Security.....	1,775.....	25
Environmental Protection Agency.....	857.....	16
Financial & Professional Regulation.....	472.....	42
Gaming Board	123.....	5
Guardianship and Advocacy	103.....	7
Healthcare and Family Services	2,135.....	26
Historic Preservation Agency.....	178.....	10
Human Rights Commission.....	14.....	2
Human Rights Department.....	143.....	8
Human Services	12,914.....	76
Illinois Sentencing Policy Advisory Council.....	2.....	2
Illinois Torture Inquiry Relief Commission	2.....	1
Insurance	254.....	13
Investment Board	2.....	1
Juvenile Justice.....	1,229.....	20
Labor.....	88.....	9
Labor Relations Board Educational.....	11.....	2
Labor Relations Board State.....	17.....	2
Law Enforcement Training & Standards Bd.	18.....	2
Lottery.....	149.....	6
Medical District Commission.....	2.....	0
Military Affairs	123.....	3
Natural Resources	1,203.....	28
Pollution Control Board	22.....	1
Prisoner Review Board.....	19.....	0
Property Tax Appeal Board.....	24.....	1
Public Health.....	1,079.....	41
Racing Board.....	2.....	1
Revenue.....	1,739.....	52
State Fire Marshal	142.....	12
State Police.....	1,221.....	5
State Police Merit Board	5.....	1
State Retirement Systems.....	89.....	2
Transportation	3,357.....	0
Veterans' Affairs.....	1,296.....	9
Workers' Compensation Commission.....	130.....	8
TOTALS	48,051.....	816

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. Illinois Department of Central Management Services – Proposed Exemption (continued from February 17, 2012)

Position Number	40070-37-60-000-01-01
Position Title	Senior Public Service Administrator
Bureau/Division	Bureau of Property Management
Functional Title	Compliance and Accountability Officer
Incumbent	Vacant
Supervisor	Deputy Director of the Bureau of Property Management, who reports to the Chief Operating Officer, who in turn reports to the Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Department of Employment Security – Proposed Exemption

Position Number	40070-44-70-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Revenue
Functional Title	Project Manager for IDES Misclassified Worker Program
Incumbent	Vacant
Supervisor	Manager of Revenue Division who reports to the Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

E. Illinois Department of Insurance – Proposed Exemption

Position Number	40070-14-40-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Health Information Technology Exchange
Functional Title	Health Information Technology Exchange Program Director
Incumbent	Colleen Burns
Supervisor	Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

F. Illinois State Police – Proposed Exemption

Position Number	40070-21-00-240-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Chief, Labor Relations and Special Projects
Incumbent	Vacant
Supervisor	Chief, Legal Office who reports to the Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- C: Compliance and Accountability Officer (Central Management Services-Bureau of Property Management)**
- D: Project Manager for IDES Misclassified Worker Program (Department of Employment Security)**
- E: Health Information Technology Exchange Program Director (Department of Insurance)**
- F: Chief, Labor Relations and Special Projects (Illinois State Police)**

V. CLASS SPECIFICATION

The following class title was submitted for creation by the Director of the Illinois Department of Central Management Services (CMS):

- **Conservation Police Lieutenant**

CMS Classification Analysis: “Effective February 22, 2006, the State Labor Relations Board ruled that those positions which serve as sworn peace officers with the informal working title of Conservation Police Lieutenant would be subject to collective bargaining and be represented by the Illinois State Employees’ Association in a supervisory bargaining unit; these positions are currently classified as Public Service Administrator (option 7). We have reinstated a modified version of the Conservation Police Lieutenant class for these positions; the original version of the Conservation Police Lieutenant was a full line supervisor and was subsumed by the PSA class in 1994.

The original Conservation Police Lieutenants served as sworn statutory peace officers and supervised the daily operational activities of lower level Conservation Police Sergeants in a Statewide Overt Investigations Program. In addition to retaining the aforementioned work role, an additional new work role has been created to encompass functioning as a supervisor of subordinate program specialists and planning and evaluating the statewide operation of a supportive program function to include Enforcement Services or Training and Career Development. The class assigns and reviews work of subordinates, reviews and evaluates field officer activities and reports to ensure compliance with all statutory and departmental requirements, prepares performance evaluations, imposes minor discipline - including oral and written reprimands - and makes recommendations to higher level managers for more serious discipline.”

WILL THE COMMISSION APPROVE THE CREATION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE APRIL 1, 2012?

- **Conservation Police Lieutenant**

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

VI. MOTION TO CLOSE A PORTION OF THE MEETING

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION CLOSE A PORTION OF THE MEETING TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

VII. RECONVENE THE REGULAR OPEN MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	1/31/12	2/29/12	2/28/11
Aging	0	0	1
Central Management Services	1	1	0
Children and Family Services	2	1	4
Corrections	0	0	1
Employment Security	11	2	3
Healthcare and Family Services	2	2	1
Historic Preservation Agency	1	1	1
Human Services	1	1	2
Natural Resources	6	15	9
State Fire Marshal	1	1	1
Transportation	3	5	10
Totals	28	29	33

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

DA-45-11

Employee	Sheila R. Smith	Appeal Date	04/12/11
Agency	Corrections	Decision Date	03/02/12
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Tardiness and falsifying sign-in sheet	Proposal for Decision	Appeal upheld; employee to be reinstated.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

DA-9-12

Employee	Lisa L. Barjas	Appeal Date	08/18/11
Agency	Employment Security	Decision Date	03/01/12
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Proposal for Decision	60-day suspension plus duration of her suspension pending discharge

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

DA-22-12

Employee	Floyd Crenshaw	Appeal Date	09/22/11
Agency	Corrections	Decision Date	03/02/12
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Socialized with parolee and failed to notify the agency	Proposal for Decision	Charges are proven and warrant 90-day suspension plus duration of suspension pending discharge.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

X. APPEAL ON REMAND

DA-40-08 ON REMAND FROM APPELLATE COURT (3-10-0156)

Employee	John Gnutek	Appeal Date	4/06/08
Agency	DOR	Decision Date	3/06/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Removing/releasing confidential documents without authorization; attempting to retrieve e-mails of another employee; conducting unauthorized audits	Recommended Decision	Charges are proven and warrant discharge.
		Final Decision	90-day suspension in lieu of discharge.
Remanded	90-day suspension decision is reversed and vacated; remanded for the Commission to first decide whether the proven violations warrant discharge	Proposal for Decision on Remand	Dismissed subject to approval of Commission; Joint Motion to Dismiss was filed 3/01/12.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION ON REMAND IN THE ABOVE MATTER?

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XI. APPEAL DISMISSED WITHOUT DECISION ON THE MERITS

DA-43-12

Employee	Barbara Manning	Appeal Date	2/01/12
Agency	Illinois Housing Development Authority	Decision Date	2/16/12
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Not available	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR
DECISION IN THE ABOVE MATTER?**

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

**The next regular open meeting is to be held on Friday, April 20, 2012 at 11:00 a.m.
in the Commission's Chicago office.**

XIV. MOTION TO ADJOURN